

12.10.2023
Item No. 41
Ct. No. 7
PG

C.O. 3270 of 2023
Sri Abhishek Chowdhury
Vs.
Tamalika Ghosh

Mr. Saptanshu Basu, Sr. Adv.

Mr. Ayan Banerjee

Ms. Debasree Dhamali

Ms. Riya Ghosh

.....for the petitioner

Mr. Basu, learned senior advocate for the petitioner submits that pursuant to a caveat lodged, copy of the revisional application has already been served. However, none appears for the opposite party.

Mr. Basu submits that the learned trial Judge by the order impugned directed the husband/petitioner to pay a sum of Rs. 30,000/- per month on account of alimony pendente lite without considering the fact that the petitioner has been directed to pay interim maintenance @ Rs. 20,000/- per month in favour of the son under the provisions of the Domestic Violence Act.

This Court finds that the learned trial Judge after observing that the wife has not been able to justify her claims in respect of quantum of maintenance of their son directed the husband to pay a sum of Rs. 30,000/- per month. The learned trial Judge also did not take into consideration the amount of interim maintenance to the tune of Rs.

20,000/- per month directed to be paid in favour of the son under the Domestic Violence Act.

Mr. Basu, learned senior advocate, upon instructions, submits that the petitioner is paying the amount, as directed under the provisions of the Domestic Violence Act.

In view of such submission, there shall be an order of stay of operation of the impugned order directing the husband/petitioner to pay a sum of Rs. 30,000/- per month subject to the petitioner making payment of the amount per month as directed under the provisions of the Domestic Violence Act.

This conditional interim order shall continue till the end of January, 2024 or until further orders, whichever is earlier.

List this matter before the regular bench in the monthly list of January, 2024.

In order to afford another opportunity to the wife/opposite party to contest this application, the petitioner is directed to serve a notice upon the wife/opposite party herein intimating the next date of hearing.

(Hiranmay Bhattacharyya, J.)